IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE SIDE

CRIMINAL APPLICATION NO.4321 OF 2006

Miss.Madhuri Vitthal Bandekar .. Applicant.

V/s.

The State of Maharashtra .. Respondent.

Shri.G.Keluskar for the applicant.

Shri.M.S.Mhambre, A.P.P. for the State.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 18TH DECEMBER, 2006.

P.C.:

1. The applicant applied for anticipatory bail as she was apprehending arrest in connection with C.R.No.89 of 2006 which has been registered by the Sawantwadi police station. The offences alleged are punishable u/s.408, 406 r/w. Sec.34 of I.P.C.

2. The applicant's role in the alleged misappropriation is noted by the learned District Judge.

It was a joint application. The applicant applied jointly alongwith the Chairman of the concerned co-operative society. The Chairman's application has been allowed whereas the applicant's application is rejected.

3. It is not seriously disputed before me that all that has been done by the applicant is that a sum of Rs.4,800/- was collected by the applicant from one Pradip, but she passed a receipt only to the extent of Rs.1,900/-. The balance sum is not accounted for.

4. In my view, when all documents are seized and are in possession of the Investigating Machinery so also considering the limited role attributed to the applicant, she deserves pre-arrest bail.

5. Hence, the following order : -

i) In the event of the arrest applicant in connection with C.R.No.89 of 2006 registered with Sawantwadi Police Station, the applicant shall be enlarged on bail in the sum of Rs.5,000/- (Rs.Five thousand only) with one or two sureties in the like amount.

ii) The bail is granted subject to condition that the applicant to forthwith surrender his passport, if any, to the I.O. Applicant shall not leave Sawantwadi city without permission of trial court. The applicant shall report to the concerned police station once a week on every Monday between 11.00 a.m. and 1.00 p.m. till the charge sheet is filed and thereafter as directed by the trial court till conclusion of trial.

iii) Bail is granted subject to condition that the applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of accusation against him so as to dissuade him from disclosing such facts to the Court or to the police officer/investigating agency. The applicant shall not tamper with the prosecution evidence.

iv) Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

v) This order will ensure to the benefit of the applicant only till chargesheet is filed. Thereafter, she will be free to apply to the appropriate court for appropriate relief.

vi) Application is disposed of in above terms.

vii) The parties to act upon an authenticated copy of this order.

(S.C.Dharmadhikari, J.)